

## EXTRADITION

*Convention signed at Washington May 22, 1880*  
*Senate advice and consent to ratification June 15, 1880*  
*Ratified by the Netherlands June 20, 1880*  
*Ratified by the President of the United States June 25, 1880*  
*Ratifications exchanged at Washington June 29, 1880*  
*Proclaimed by the President of the United States July 30, 1880*  
*Entered into force August 19, 1880*  
*Abrogated July 11, 1889, by convention of June 2, 1887*<sup>1</sup>

21 Stat. 769; Treaty Series 255

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE NETHERLANDS, FOR THE EXTRADITION OF CRIMINALS

The United States of America and His Majesty the King of the Netherlands having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of the Netherlands: Jonkheer Rudolph Alexander August Edward von Pestel, Knight of the Order of the Netherlands Lion, His Majesty's Minister Resident in the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

#### ARTICLE I

The United States of America and His Majesty the King of the Netherlands reciprocally engage to deliver up to justice all persons convicted of or charged with any of the crimes or offences enumerated in the following article, committed within the respective jurisdiction of the United States of America, or of the Kingdom of the Netherlands, exclusive of the Colonies thereof, such persons being actually within such jurisdiction when the crime

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<sup>1</sup> TS 256, *post*, p. 47.

or offence was committed, who shall seek an asylum or shall be found within the jurisdiction of the other, exclusive of the Colonies of the Netherlands: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had been there committed.

## ARTICLE II

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, comprehending the crimes of assassination, parricide, infanticide and poisoning.
2. The attempt to commit murder.
3. Rape.
4. Arson.
5. Burglary; or the corresponding crime in the Netherlands law under the description of thefts committed in an inhabited house by night, and by breaking in, by climbing, or forcibly.
6. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein; and also the thefts resulting from such act.
7. Robbery; or the corresponding crime punished in the Netherlands law under the description of theft committed with violence or by means of threats.
8. Forgery, or the utterance of forged papers including the forgery or falsification of official acts of the Government or public authority or courts of justice affecting the title or claim to money or property.
9. The counterfeiting, falsifying or altering of money, whether coin or paper, or of bank notes, or instruments of debt created by National, State or Municipal Governments, or coupons thereof, or of seals, stamps, dies or marks of state; or the utterance or circulation of the same.
10. Embezzlement by public officers charged with the custody or receipt of public funds.
11. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, where the offence is subject to punishment by the law of the Netherlands as *abus de confiance*, if extradition is demanded by the United States, or is subject to punishment as a crime in the United States, if extradition is demanded by the Netherlands.

## ARTICLE III

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or offences;

and no person surrendered under the provision hereof shall in any case be tried or punished for a crime or offence of a political character, nor for any act connected therewith, committed previously to his extradition.

#### ARTICLE IV

The present Convention shall not apply to any crime or offence committed previous to the exchange of the ratifications hereof; and no person shall be tried or punished after surrender for any crime or offence other than that for which he was surrendered if committed previous to his surrender, unless such crime or offence be one of those enumerated in Article II hereof, and shall have been committed subsequent to the exchange of ratifications.

#### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for the same.

#### ARTICLE VI

If a fugitive criminal, whose extradition may be claimed pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto shall also be claimed by one or more powers, pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered in preference in accordance with that demand which is the earliest in date.

#### ARTICLE VIII

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, its own citizens or subjects.

#### ARTICLE IX

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal, at the time of his arrest, which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties, with regard to all such articles, shall be duly respected.

## ARTICLE XI

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country, or its seat of government, requisition may be made by consular officers.

When the person whose extradition shall have been asked, shall have been convicted of the crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and accompanied by an attestation of the official character of the judge by the proper authority, shall be furnished.

If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, authenticated as above provided, with such other evidence or proof as may be deemed competent in the case.

If, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this convention, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

## ARTICLE XII

The present convention shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws of the respective countries. After the convention shall so have gone into operation, it shall continue until one of the two parties shall give to the other six months notice of its desire to terminate it.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or the Hague as soon as possible.

In testimony whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have hereunto affixed their seals.

Done at Washington, in the English and Dutch languages, on the twenty-second day of May in the year of our Lord eighteen hundred and eighty.

WILLIAM MAXWELL EVARTS	[SEAL]
RUDOLPH VON PESTEL	[SEAL]